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## City of Reading City Council

### Regular Meeting September 24, 2007

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Rev. Caroline Burdine of the Total Family Christian Center.

All present pledged to the flag.

#### **ATTENDANCE**

Council President Spencer  
Councilor Fuhs, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Baez, District 5  
Councilor Waltman, District 6

Mayor T. McMahon  
Managing Director L. Churchill  
City Auditor D. Cituk  
City Solicitor C. Younger  
City Clerk L. Kelleher  
Chief of Police W. Heim  
Public Works Director C. Jones

#### **PROCLAMATIONS AND PRESENTATIONS**

##### **Police Commendations**

Chief of Police William Heim issued departmental commendations for outstanding performance to Sgt. Phillip Bentz. He also issued departmental commendations to members of the ATF for their

cooperation, assistance and outstanding performance in working with the Reading Police Department to battle the major crime element.

### **Council Commendations:**

City Council issued a commendation honoring Prisoners of War and service personnel Missing in Action, accepted by Bernie Bingham, President of POW/MIA

### **Mayoral Proclamations**

Mayor McMahon issued a proclamation encouraging participation in the World Wide Children's Day of Play sponsored by Olivet Boys' and Girls' Club.

### **PUBLIC COMMENT**

Council President Spencer announced that one citizen was registered to address Council on non-agenda matters. He inquired if any Councilors objected to suspending the rules and allowing the citizen to address Council at this point. No one objected; therefore, the public speaking rules were suspended.

Joe Forbes, representing the Southeast People's Voices, presented the Mayor and Council with a harvest basket from Amanda's Garden which is a 70 plot urban garden.

### **APPROVAL OF AGENDA AND MINUTES**

Council President Spencer asked Councilors to consider the agenda for tonight's meeting and minutes from the September 10, 2007 regular meeting of Council. He noted the need to amend the agenda to add the following:

- Ordinances for Introduction
  - Conveyance of the Earl Estate Trust properties
  - Conveyance of certain properties to the Reading Redevelopment Authority
- Resolution
  - Making an appointment to the Reading Area Water Authority
  - Expressing intent to adopt the Ordinance to convey the Earl Estate properties

Council President Spencer announced that approval of the agenda, as amended, and the minutes will also include the items listed under the consent agenda heading.

**Councilor Baez moved, seconded by Councilor Marmarou, to adopt the agenda, as amended, including the items listed under the consent agenda heading and the minutes from the September 10, 2007 regular meeting of Council.**

**Councilor Fuhs moved, seconded by Councilor Baez, to suspend the rules to allow separate consideration of the Ampitheater Resolution.**

**The motion to suspend the rules was approved by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to refer the Ampitheater Resolution to Committee.**

Councilor Fuhs noted the major differences in the two RACP Resolutions; one to fund the Ampitheater and one to fund the Convention Hotel. He stated that the Resolution to fund the Ampitheater requires the City to guarantee reimbursement.

**The motion to refer Resolution 128-2007 to Committee was approved by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to reinstate the rules.**

**The rules were reinstated by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**The motion to approve the agenda, as amended, including the legislation listed under the consent agenda heading and the minutes**

from the September 10, 1007 regular meeting of Council were approved unanimously.

### CONSENT AGENDA

**Award of Contract-** Street Lighting System – *to be distributed on Monday*

**Resolution-** authorizing the Mayor to file an application for RACP funds in the amount of \$6.5 million (\$6,500,000.00) for the “Convention Hotel” project.

**Resolution-** directing Met-Ed to Remove nine (9), Customer owned, 400-watt, metal halide, cobrahead, streetlights. The streetlights are located on eight (8), Customer owned, aluminum poles in the parking lot at 319 Penn Street within the City

### ADMINISTRATIVE REPORT

Managing Director Leon Churchill highlighted the report distributed to Council at the meeting covering:

- Fire Department National Run Survey
- Contribution of Arrow International to the City camera project
- Delinquent tax collection rates

Councilor Fuhs noted the District Attorney’s repeated ignorance of the agreement with the City on the distribution of funds taken 3 ½ years ago. He stated that the District Attorney has held these funds so they can be used to benefit his re-election campaign. Councilor Fuhs complimented the Mayor, Police Chief, and Managing Director for their work to correct this situation.

Councilor Fuhs thanked Sgt. Bentz and the ATF for their assistance and the outstanding performance they have given to the Reading Police Department. He also thanked corporations like Arrow International who contribute to the public safety effort. He noted that it is unfortunate that the District Attorney does not also assist in those efforts.

Councilor Goodman-Hinnershitz noted that the misappropriation of drug forfeiture money by the District Attorney now creates a competition between law enforcement agencies and social service agencies as the District Attorney intends to allocate the money using the Request for Proposals.

Councilor Sterner agreed with the statements made by Councilors Goodman-Hinnershitz and Fuhs. He stated that when attending an election event the District Attorney recently called the City greedy. He asked the D.A. to comply and respect the agreement with the Reading Police Department. He expressed the belief that the District Attorney's actions are politically motivated and unconscionable.

### **AUDITOR'S REPORT**

City Auditor Dave Cituk read the report distributed to Council at the meeting. The report covers the following:

- 2007 Admissions Tax collection
- 2007 Real Estate Transfer Tax collection
- 2008 - 2009 Municipal Sewer Rate calculation

### **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 70-2007** - amending the City of Reading Codified Ordinances Chapter 1, Section 6, Police Pension Fund, by providing a definition for military service and clarification on the purchase of military time and adding changes pursuant to the current collective bargaining agreement. **(Solicitor/Council Staff) *Introduced at the 9-10 meeting of Council***

**Councilor Marmarou moved, seconded by Councilor Fuhs, to enact Bill 70-2007.**

Mr. Churchill explained that this amendment corrects a typographical error, clarifies the definition of military service, and incorporates police pension changes agreed to in the collective bargaining agreement.

**Bill 70-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President - 7.**

**Nay: None - 0.**

**Bill No. 71-2007** - amending the Housing Permit Ordinance to remove inapplicable sections. **(Solicitor) *Introduced at the 9-10 meeting of Council***

**Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill 71-2007.**

City Solicitor Younger explained that the change eliminates the requirement for landlords to provide the birth dates of tenants living at their properties.

Councilor Goodman-Hinnershitz inquired if the changes will be communicated to the appropriate parties. Mr. Churchill announced that that educational process is already occurring.

**Bill 71-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Bill No. 72-2007** - amending the ICCC Codes to increase the fee from \$2.00 to \$4.00 (Solicitor) *Introduced at the 9-10 meeting of Council*

**Councilor Fuhs moved, seconded by Councilor Sterner, to enact Bill 72-2007.**

**Bill 72-2007 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following Ordinances into the record:

**Ordinance-** Conveyance of the Earl Estate Trust properties

**Ordinance-** Conveyance of certain properties to the Reading Redevelopment Authority

## **RESOLUTIONS**

**Resolution 88 - 2007** - appointing Joe Kuzminski to the Reading Area Water Authority. *Tabled at the 07/09/07, 07/23/07, 08/13/07 and 08/27/07 meetings of Council.*

**Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt Resolution 88-2007.**

Councilor Waltman expressed his belief in the abilities and qualifications of Mr. Kuzminski. He stated that he supports Mr. Kuzminski's appointment but will not support the Resolution as he believes the Reading Area Water Authority needs new direction.

Councilor Baez stated that she will not support the appointment. However, that is no reflection on the skills and abilities of Mr. Kuzminski.

Councilor Goodman-Hinnershitz expressed her belief in the leadership abilities of Mr. Kuzminski but noted her belief that the person appointed to the Reading Area Water Authority at this time needs different skill sets.

Council President Spencer stated that he will support the appointment of Mr. Kuzminski as Mr. Kuzminski is a former Mayor and Councilman and during his years of service oversaw the operation of the Water Department before such Department was incorporated into an authority.

**Resolution 88-2007 was not adopted by the following vote:**

**Yea: Marmarou, Sterner, Spencer President – 3.**

**Nay: Baez, Fuhs, Goodman-Hinnershitz, Waltman – 4.**

**Resolution 131-2007** - appointing Thomas Brogan to the Reading Area Water Authority

**Councilor Fuhs moved, seconded by Councilor Baez, to adopt Resolution 131-2007.**

Councilor Fuhs noted the qualifications of the candidate fit the current needs and direction of the Reading Area Water Authority.

Councilors Marmarou and Sterner agreed with the qualifications of both candidates.

Councilor Goodman-Hinnershitz noted the experience of Mr. Brogan would assist the Reading Area Water Authority.

**Resolution 131-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman – 6.**

**Nay: Spencer President – 1.**

**Resolution 132-2007** - Expressing intent to adopt the Ordinance to convey the Earl Estate properties

**Councilor Fuhs moved, seconded by Councilor Waltman, to adopt Resolution 132-2007.**

Councilor Fuhs explained that through the adoption of this Resolution, City Council will be expressing their intent to approve the Ordinance introduced tonight.

Councilor Goodman-Hinnershitz expressed the belief that this is the first important step to allow the conveyance of this property. She noted her belief in the benefit this action will bring to the City, County, and Conservancy. She asked the Administration to put a map of the Earl Estate properties on the website to allow citizens to view the locations of the properties.

Councilor Sterner expressed concern with the process and negotiations that took place. He noted that this land will be preserved no matter who owns it. He noted his dissatisfaction with some of the terms of the agreement.

**Resolution 132-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman – 6.**

**Nay: Spencer President – 1.**

**Resolution 123-2007** - authorizing the reprogramming of \$850,000 in unprogrammed HOME funds for the development of a 59 unit apartment building at 2nd and Washington Streets. 12 of the units will be HOME assisted. **(Community Development) Tabled at the 9-10-07 meeting of Council**

**Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution 123-2007.**

Councilor Fuhs stated that although he supported this proposal when it was first introduced to Council, he now believes that the project is no longer viable and not a good investment.



Councilor Waltman expressed the belief that the project has some merits noting the assistance the project has received from many areas and levels. He expressed his belief in the value of the project.

Councilor Goodman-Hinnershitz expressed belief in the project as this is the final piece to improve this area. She noted the differences between this project and the financial assistance mechanisms approved in the past. She expressed the belief that the loan issued will be repaid and that the project will turn into a tax paying entity.

**Resolution 123-2007 was adopted by the following vote:**

**Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 6.**

**Nay: Fuhs – 1.**

**Resolution 133-2007** - authorizing the City of Reading to file a funding proposal through the Department of Community and Economic Development Housing and Redevelopment Assistance Program to request \$100,000.00 of the total project cost for the purchase and installation of monitoring cameras within the designated downtown area. **(Managing Director)**

**Councilor Fuhs moved, seconded by Councilor Marmarou, to adopt Resolution 133-2007.**

Councilor Goodman-Hinnershitz noted the merits of the surveillance camera program.

Council President Spencer inquired how this project will reduce blight. Managing Director Churchill described how crime contributes to blight in City neighborhoods.

**Resolution 133-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

**Resolution 134-2007** – endorsing the City of Reading Mission Statement, Vision Statement, and Business Plan and the professionalism and leadership of the City's work team **(City Council-Council Staff)**

**Councilor Baez moved, seconded by Councilor Sterner, to adopt Resolution 134-2007.**

Managing Director Churchill explained the work by City employees to develop a City mission statement, vision statement and business plan that will work together to improve services provided to the citizens of Reading.

Councilor Goodman-Hinnershitz thanked Mr. Churchill for bringing this philosophy to our organization. She also thanked the employees for their investment in this process.

**Resolution 134-2007 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.**

**Nay: None – 0.**

### **COUNCIL COMMENT**

Councilor Baez left the meeting at this point.

Councilor Fuhs commended the Administration for hiring and EEOC officer. He noted the qualifications of Mr. Ayala.

Councilor Goodman-Hinnershitz expressed her thanks to the South East People's Voice noting the importance of their grass roots effort.

Councilor Goodman-Hinnershitz and Councilor Sterner noted the importance of the heroic efforts of Sgt. Bentz and the ATF.

Councilor Sterner announced the upcoming Town Meeting for District 3.

Councilor Marmarou noted the accomplishments of Sgt. Bentz and the ATF. He noted the importance of cooperation between agencies.

Councilor Marmarou noted the hard work of City Council and the Administration to address the housing permit process.

Mayor McMahon thanked Council for their assistance on keeping the pressure high on the District Attorney and Community Foundation.

Council President Spencer explained his rationale to vote negatively on the appointment of Dr. Brogan to the Reading Area Water Authority.

Council President Spencer reviewed the upcoming meeting schedule.

**Councilor Waltman moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.**

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Linda Kelleher  
City Clerk